

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Otilio GARIBALDI-Zepeda**  
**AKA: Jose CARRILLO**

Defendant.

**'08 MJ 1455**

Magistrate Case No. \_\_\_\_\_


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation

The undersigned complainant being duly sworn states:

On or about **May 7, 2008**, within the Southern District of California, defendant **Otilio GARIBALDI-Zepeda AKA: Jose CARRILLO**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **8th** DAY OF **May**,  
**2008**.

  
UNITED STATES MAGISTRATE JUDGE



**PROBABLE CAUSE STATEMENT**

On 05/07/08 at approximately 12:45 PM, **Otilio GARIBALDI-Zepeda AKA: Jose CARRILLO (Defendant)** made application for admission to the United States from Mexico at the **San Ysidro Port of Entry** via the pedestrian primary lanes. Defendant presented a temporary I-551 (Immigration Form I-94 with a counterfeit Alien Documentation Identification and Telecommunication ADIT stamp) to a Customs and Border Protection (CBP) Officer. The primary officer referred Defendant to secondary for further inspection of the ADIT stamp on the document he presented.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendants identity. Also in secondary, the temporary I-551 was determined to be counterfeit as the ADIT stamp itself was counterfeit.

Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) revealed Defendant is a citizen of Mexico without legal documentation to enter the United States. According to CIS and DACS, Defendant was last ordered deported from the United States by an Immigration Judge on or about December 19, 1996. DACS records indicate Defendant's last physical removal from the United States was on or about January 24, 2007 via San Ysidro, California. Immigration service records indicate Defendant has not applied for or received permission to legally reenter the United States by the Attorney General or the Secretary of Homeland Security.